

Seven Tests of Just Cause:

1. Notice

Prior to imposition of discipline, employee must have notice of rules and expectations.
Establish through: New employee orientation, Orientation checklist, Receipts for departmental handbooks.
Periodic reinforcement/coaching.

2. Reasonable Rules & Orders

Cannot be inconsistent with collective bargaining agreement(s).
Cannot be arbitrary or capricious.
Must be reasonably related to business necessity.

3. Investigation

Must be thorough; consider all evidence, pro & con.
Must be timely: Should be completed expeditiously, Occurs before discipline imposed
Give accused opportunity to respond
Allow union representation. (*Weingarten* rights)

4. Fair Investigation

Result must not be forgone conclusion.
Test assumptions/bias.

5. Proof

Level of proof is normally “substantial evidence.”
Greater proof required for more serious allegations.

6. Equal Treatment

Equal treatment must be balanced against just application:
Rules must be applied even-handedly & without discrimination.
Rules must be applied justly.
i.e., don't blindly apply same rule to all situations - managers/supervisors are expected to exercise judgment.

7. Penalty

Must be fair, not arbitrary & capricious, or based on emotional response.
Factor in length of service, prior performance history, and previous progressive discipline

If you receive discipline and it violates one or more of the Seven Tests of Just Cause (see above). You have the right to file a grievance under our Union contract. Any written grievances must be filed within ten (10) business days (business days are defined as Monday through Friday, 9:00 a.m. to 5:00 p.m.) of the day you received the disciplinary notice.

To file a grievance please contact your Unit Steward or Chief Steward. Grievance forms can be found at www.vfnhp.org. Fax your completed grievance form to the union office at 802-658-7673. If you need help in contacting your Unit Steward or Chief Steward, please call 802-657-4040.